

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**KIMBERLY CARPENTER,**  
**Plaintiff**

**v.**

**KILOLO KIJAKAZI,**  
**Acting Commissioner of Social Security,<sup>1</sup>**  
**Defendant.**


**Case No. 5:20-cv-00617-F**

**ORDER**

Upon consideration of the Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act (EAJA), the Court hereby awards Plaintiff \$5,700.00 in attorney fees under the EAJA, 28 U.S.C. § 2412.

**IT IS SO ORDERED** that the Stipulated Motion for Award of Attorney Fees (Docket #30) is hereby **GRANTED**. Plaintiff is awarded EAJA attorney fees in the amount of \$5,700.00 as the prevailing party herein. If Plaintiff's counsel is subsequently awarded any fees pursuant to 42 U.S.C. § 406(b), he shall refund the lesser award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.3d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 19<sup>th</sup> day of October 2021.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act (the Act), 42 U.S.C. § 405(g).